

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KELLY SERVICES, INC.,

Plaintiff,

v.

Case No. 08-14044
Hon. Lawrence P. Zatkoff

ALEXANDER PALMA and
JULIO URREA,

Defendants.

TEMPORARY RESTRAINING ORDER

AT A SESSION of said Court, held in the
Federal Building, in the City of Port Huron,
State of Michigan, on the 22nd day of September, 2008

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

The Court, having reviewed Plaintiff Kelly Services, Inc.'s ("Kelly") Verified Complaint, Motion for Temporary Restraining Order and Preliminary Injunction, and Brief in Support thereof, and the Court being otherwise duly advised in the premises and the requirements of Rule 65(b) of the Federal Rules of Civil Procedure; the Court finds as follows:

1. Based on the evidence presented, it clearly appears from the specific facts shown by the Verified Complaint that Kelly has a substantial likelihood of success on the merits and that immediate and irreparable injury, loss, or damage will result to Kelly should this Temporary Restraining Order not issue.
2. The irreparable harm to Kelly if a Temporary Restraining Order is denied outweighs the harm to Defendants if it is granted. Kelly stands to lose its employees, clients

and customers, confidential, proprietary and trade secret information, the goodwill and referral business of its clients and customers, and revenues in an amount that cannot be readily ascertained. Kelly is also faced with the substantial risk that Defendants will unlawfully use Kelly's client and customer information and trade secrets to Kelly's competitive disadvantage. Such anticipated losses constitute irreparable harm in that they are so indefinite and speculative as to be incapable of exact proof.

3. The public interest in protecting confidential information and preserving the status quo justifies issuance of this Order. Accordingly,

IT IS ORDERED that Kelly's Motion for a Temporary Restraining Order is **GRANTED**, and that Defendants shall appear before this Court, located at 526 Water St., Port Huron, Michigan, on Thursday, October 2nd, 2008, at 10 a.m. for a hearing on Kelly's Motion for a Preliminary Injunction.

IT IS FURTHER ORDERED THAT:

- (1) Each of Defendant Alexander Palma ("Palma") and Defendant Julio Urrea ("Urrea") is temporarily enjoined, directly or indirectly:
 - (a) From working for, or acting as, an employee, partner, stockholder, investor, owner, director, agent, or consultant for a competitor of Kelly, including, but not limited to, The Direct Placement Store ("DPS"), within San Diego County in California for one (1) year from the date of this Court's Order;
 - (b) From soliciting or performing services for any Kelly customer for a competing business, including but not limited to, DPS, for one (1) year from the date of this Court's Order;

- (c) From soliciting or being involving in the recruitment or hire of any Kelly employee or recruiter for a competing business, including, but not limited to, DPS, for one (1) year from the date of this Court's Order;
- (d) From ever using or disclosing any of Kelly's confidential, proprietary, or trade secret information or property; and
- (e) From breaching any fiduciary obligation and duties of loyalty to Kelly, including but not limited to, appropriating any business opportunity of Kelly, engaging in deceptive acts or statements with regard to Kelly's abilities, experiences, and personnel, otherwise attempting to gain unfair advantage in the employee leasing and staffing business, or disclosing or using Kelly's confidential or proprietary information.

(2) Each of Palma and Urrea shall immediately return all Kelly property to Kelly, including all originals and copies of tangible property, proprietary documents, trade secrets, confidential information, discs, notes, client files, client information, employment information, business development information, requests for proposals, requests for bids, client correspondence, meeting minutes, notes of site visits, marketing data, prospect meeting data, proposals, faxes, financial information, pricing, contracts, marketing brochures, marketing database, marketing plans, costs, customer lists, customer information, internal weaknesses, prospect lists, client lists, employee lists, alliance relationships, competitive bid information, client contact lists, sales leads, prospective employee lists, business plans, profit, margin, and forecasting information, strategic planning, project costs, and any other Kelly data kept in any form or media whatsoever.

- (3) Each of Palma and Urrea shall preserve all evidence, including hard copies, electronic, computer, or any other format, which in any way relates to the claims made in this case.
- (4) Kelly is required to post a bond (or surety bond) in the amount of \$50,000 by 5 p.m. on September 24, 2008. The effectiveness of this Order is contingent on the posting of said

bond. This Order shall not be effective until such time as said bond is posted. If said bond is not posted by September 24, 2008, this Order shall not take effect, and Kelly must re-apply for a Temporary Restraining Order.

- (5) A copy of this Order and Notice of Hearing on Kelly's Motion for Preliminary Injunction must be served on Palma and Urrea within forty-eight (48) hours of posting bond.
- (6) This Order is being issued on September 22, 2008, at 2 p.m. in Port Huron, Michigan.
- (7) This Order shall remain in effect until October 2, 2008, or until further order of the Court.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: September 22, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on September 22, 2008.

S/Marie E. Verlinde
Case Manager
(810) 984-3290